

117TH CONGRESS  
1ST SESSION

# S. 3288

To reauthorize and reform the National Telecommunications and Information Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

Mr. WICKER (for himself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To reauthorize and reform the National Telecommunications and Information Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5   “NTIA Reauthorization and Reform Act of 2021”.

6       (b) TABLE OF CONTENTS.—The table of contents for  
7   this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

TITLE I—NTIA REAUTHORIZATION AND REFORM

Sec. 101. Authorization of appropriations.

Sec. 102. Under Secretary of Commerce for Communications and Information.  
Sec. 103. Coordination of executive branch views on matters before the Federal  
Communications Commission.  
Sec. 104. Modernization of agency mission.

## TITLE II—OTHER MATTERS

Sec. 201. Promotion of workforce programs.  
Sec. 202. Improved coordination between the FCC and the NTIA.  
Sec. 203. World Radiocommunication Conference ambassador.

## TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

### 1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) COMMISSION.—The term “Commission”  
4 means the Federal Communications Commission.

5 (2) NTIA.—The term “NTIA” means the Na-  
6 tional Telecommunications and Information Admin-  
7 istration.

### 8 TITLE I—NTIA REAUTHORIZA- 9 TION AND REFORM

#### 10 SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

11 Section 151 of the National Telecommunications and  
12 Information Administration Organization Act (Public Law  
13 102–538; 106 Stat. 3533) is amended—

14 (1) by striking “1992 and” and inserting  
15 “1992,”; and

16 (2) by inserting “and \$52,831,000 for each of  
17 fiscal years 2022 and 2023,” after “1993.”.

1   **SEC. 102. UNDER SECRETARY OF COMMERCE FOR COMMU-**

2                 **NICATIONS AND INFORMATION.**

3                 (a) IN GENERAL.—Section 103(a)(2) of the National  
4     Telecommunications and Information Administration Or-  
5     ganization Act (47 U.S.C. 902(a)(2)) is amended by strik-  
6     ing “Assistant Secretary of Commerce for Communica-  
7     tions and Information” and inserting “Under Secretary  
8     of Commerce for Communications and Information”.

9                 (b) PAY.—Subchapter II of chapter 53 of title 5,  
10   United States Code, is amended—

11                     (1) in section 5314, by striking “and Under  
12   Secretary of Commerce for Travel and Tourism”  
13   and inserting “Under Secretary of Commerce for  
14   Travel and Tourism, and Under Secretary of Com-  
15   merce for Communications and Information”; and

16                     (2) in section 5315, by striking “(11)” after  
17   “Assistant Secretaries of Commerce” and inserting  
18   “(10)”.

19                 (c) DEPUTY UNDER SECRETARY.—

20                     (1) IN GENERAL.—Section 103(a) of the Na-  
21   tional Telecommunications and Information Admin-  
22   istration Organization Act (47 U.S.C. 902(a)), as  
23   amended by subsection (a) of this section, is amend-  
24   ed by adding at the end the following:

1                 “(3) DEPUTY UNDER SECRETARY.—The Dep-  
2         uty Under Secretary of Commerce for Communica-  
3         tions and Information—

4                 “(A) shall be the principal policy advisor of  
5         the Under Secretary;

6                 “(B) shall perform such other functions as  
7         the Under Secretary shall from time to time as-  
8         sign or delegate; and

9                 “(C) shall act as Under Secretary during  
10         the absence or disability of the Under Secretary  
11         or in the event of a vacancy in the office of the  
12         Under Secretary.”.

13                 (2) TECHNICAL AND CONFORMING AMEND-  
14         MENT.—Section 106(c) of the Public Telecommuni-  
15         cations Financing Act of 1978 (5 U.S.C. 5316 note;  
16         Public Law 95–567) is amended by striking “The  
17         position of Deputy Assistant Secretary of Commerce  
18         for Communications and Information, established in  
19         Department of Commerce Organization Order Num-  
20         bered 10-10 (effective March 26, 1978),” and insert-  
21         ing “The position of Deputy Under Secretary of  
22         Commerce for Communications and Information, es-  
23         tablished under section 103(a) of the National Tele-  
24         communications and Information Administration Or-  
25         ganization Act (47 U.S.C. 902(a)),”.

1       (d) CONTINUATION IN OFFICE.—The individual serv-  
2       ing as the Assistant Secretary of Commerce for Commu-  
3       nications and Information and the individual serving as  
4       the Deputy Assistant Secretary of Commerce for Commu-  
5       nications and Information on the day before the effective  
6       date under section 301 of this Act may serve as the Under  
7       Secretary of Commerce for Communications and Informa-  
8       tion and the Deputy Under Secretary of Commerce for  
9       Communications and Information, respectively, on and  
10      after that effective date without the need for renomination  
11      or reappointment.

12       (e) TECHNICAL AND CONFORMING AMENDMENTS.—  
13           (1) COMMUNICATIONS ACT OF 1934.—Section  
14           344(d)(2) of the Communications Act of 1934 (as  
15           added by section 60602(a) of the Infrastructure In-  
16           vestment and Jobs Act (Public Law 117–58)) is  
17           amended by striking “Assistant Secretary” and in-  
18           serting “Under Secretary”.

19           (2) NATIONAL TELECOMMUNICATIONS AND IN-  
20           FORMATION ADMINISTRATION ORGANIZATION ACT.—  
21           The National Telecommunications and Information  
22           Administration Organization Act (47 U.S.C. 901 et  
23           seq.) is amended by striking “Assistant Secretary”  
24           each place the term appears and inserting “Under  
25           Secretary”.

1                             (3) HOMELAND SECURITY ACT OF 2002.—Section  
2                             1805(d)(2) of the Homeland Security Act of  
3                             2002 (6 U.S.C. 575(d)(2)) is amended by striking  
4                             “Assistant Secretary for Communications and Infor-  
5                             mation of the Department of Commerce” and inserting  
6                             “Under Secretary of Commerce for Communica-  
7                             tions and Information”.

8                             (4) AGRICULTURE IMPROVEMENT ACT OF  
9                             2018.—Section 6212 of the Agriculture Improvement  
10                             Act of 2018 (7 U.S.C. 950bb–6) is amended—

11                                 (A) in subsection (d)(1), in the heading, by  
12                             striking “ASSISTANT SECRETARY” and inserting  
13                             “UNDER SECRETARY”; and

14                                 (B) by striking “Assistant Secretary” each  
15                             place the term appears and inserting “Under  
16                             Secretary”.

17                             (5) EMERGENCY SUPPLEMENTAL APPROPRIA-  
18                             TIONS ACT FOR DEFENSE, THE GLOBAL WAR ON  
19                             TERROR, AND TSUNAMI RELIEF, 2005.—Section 303  
20                             of the Emergency Supplemental Appropriations Act  
21                             for Defense, the Global War on Terror, and Tsu-  
22                             nami Relief, 2005 (8 U.S.C. 1721 note; Public Law  
23                             109–13) is repealed.

## 1                   (6) BROADBAND DATA IMPROVEMENT ACT.—

2     Section 214 of the Broadband Data Improvement  
3     Act (15 U.S.C. 6554) is amended—4                   (A) in subsection (a), in the matter pre-  
5         ceding paragraph (1), by striking “Assistant  
6         Secretary” and inserting “Under Secretary”;

7                   (B) by striking subsection (b); and

8                   (C) by redesignating subsection (c) as sub-  
9         section (b).10                  (7) ELECTRONIC SIGNATURES IN GLOBAL AND  
11     NATIONAL COMMERCE ACT.—Section 103(c) of the  
12     Electronic Signatures in Global and National Com-  
13     merce Act (15 U.S.C. 7003(c)) is amended—14                  (A) by striking “EXCEPTIONS.” and all  
15         that follows through “DETERMINATIONS.—If”  
16         and inserting “EXCEPTIONS.—If”; and17                  (B) by striking “such exceptions” and in-  
18         serting “of the exceptions in subsections (a)  
19         and (b)”.20                  (8) TITLE 17, UNITED STATES CODE.—Section  
21     1201 of title 17, United States Code, is amended—22                  (A) in subsection (a)(1)(C), in the matter  
23         preceding clause (i), by striking “Assistant Sec-  
24         retary for Communications and Information of  
25         the Department of Commerce” and inserting

1           “Under Secretary of Commerce for Commu-  
2         niques and Information”; and

3           (B) in subsection (g), by striking para-  
4         graph (5).

5           (9) UNLOCKING CONSUMER CHOICE AND WIRE-  
6         LESS COMPETITION ACT.—Section 2(b) of the  
7         Unlocking Consumer Choice and Wireless Competi-  
8         tion Act (17 U.S.C. 1201 note; Public Law 113–  
9         144) is amended by striking “Assistant Secretary  
10         for Communications and Information of the Depart-  
11         ment of Commerce” and inserting “Under Secretary  
12         of Commerce for Communications and Information”.

13           (10) IMPLEMENTING RECOMMENDATIONS OF  
14         THE 9/11 COMMISSION ACT OF 2007.—Section  
15         2201(d) of the Implementing Recommendations of  
16         the 9/11 Commission Act of 2007 (42 U.S.C. 247d–  
17         3 note; Public Law 110–53) is repealed.

18           (11) COMMUNICATIONS SATELLITE ACT OF  
19         1962.—Section 625(a)(1) of the Communications  
20         Satellite Act of 1962 (47 U.S.C. 763d(a)(1)) is  
21         amended, in the matter preceding subparagraph (A),  
22         by striking “Assistant Secretary” and inserting  
23         “Under Secretary of Commerce”.

1                                 (12) SPECTRUM PIPELINE ACT OF 2015.—The  
2                                 Spectrum Pipeline Act of 2015 (47 U.S.C. 921 note;  
3                                 title X of Public Law 114–74) is amended—

4                                     (A) in section 1002(1), in the heading, by  
5                                     striking “ASSISTANT SECRETARY” and inserting  
6                                     “UNDER SECRETARY”; and

7                                     (B) by striking “Assistant Secretary” each  
8                                     place the term appears and inserting “Under  
9                                     Secretary”.

10                                 (13) WARNING, ALERT, AND RESPONSE NET-  
11                                 WORK ACT.—Section 606 of the Warning, Alert, and  
12                                 Response Network Act (47 U.S.C. 1205) is amend-  
13                                 ed—

14                                     (A) in subsection (b), in the first sentence,  
15                                     by striking “Assistant Secretary of Commerce  
16                                     for Communications and Information” and in-  
17                                     serting “Under Secretary of Commerce for  
18                                     Communications and Information”; and

19                                     (B) by striking “Assistant Secretary” each  
20                                     place the term appears and inserting “Under  
21                                     Secretary”.

22                                 (14) AMERICAN RECOVERY AND REINVESTMENT  
23                                 ACT OF 2009.—Section 6001 of the American Recov-  
24                                 ery and Reinvestment Act of 2009 (47 U.S.C. 1305)  
25                                 is amended by striking “Assistant Secretary” each

1 place the term appears and inserting “Under Sec-  
2 retary”.

3 (15) MIDDLE CLASS TAX RELIEF AND JOB CRE-  
4 ATION ACT OF 2012.—Title VI of the Middle Class  
5 Tax Relief and Job Creation Act of 2012 (47 U.S.C.  
6 1401 et seq.) is amended—

7 (A) in section 6001 (47 U.S.C. 1401)—  
8 (i) by striking paragraph (4);  
9 (ii) by redesignating paragraphs (5)  
10 through (31) as paragraphs (4) through  
11 (30), respectively; and  
12 (iii) by inserting after paragraph (30),  
13 as so redesignated, the following:

14 “(31) UNDER SECRETARY.—The term ‘Under  
15 Secretary’ means the Under Secretary of Commerce  
16 for Communications and Information.”;

17 (B) in subtitle D (47 U.S.C. 1451 et  
18 seq.)—

19 (i) in section 6406 (47 U.S.C.  
20 1453)—

21 (I) by striking subsections (b)  
22 and (c); and

23 (II) by inserting after subsection  
24 (a) the following:

1        "(b) DEFINITION.—In this section, the term '5350-  
2 5470 MHz band' means the portion of the electromagnetic  
3 spectrum between the frequencies from 5350 megahertz  
4 to 5470 megahertz."; and

(ii) by striking section 6408; and

6 (C) by striking “Assistant Secretary” each  
7 place the term appears and inserting “Under  
8 Secretary”.

(16) RAY BAUM'S ACT OF 2018.—The RAY BAUM'S Act of 2018 (division P of Public Law 115–141; 132 Stat. 348) is amended by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”.

21 (B) by striking “Assistant Secretary” each  
22 place the term appears and inserting “Under  
23 Secretary”.

(18) TITLE 51, UNITED STATES CODE.—Section 50112(3) of title 51, United States Code, is amend-

1       ed, in the matter preceding subparagraph (A), by  
2       striking “Assistant Secretary” each place the term  
3       appears and inserting “Under Secretary”.

4                     (19) CONSOLIDATED APPROPRIATIONS ACT,  
5       2021.—The Consolidated Appropriations Act, 2021  
6       (Public Law 116–260) is amended—

7                     (A) in title IX of division N—

8                         (i) in section 902(a)(2), in the head-  
9       ing, by striking “ASSISTANT SECRETARY”  
10      and inserting “UNDER SECRETARY”;

11                         (ii) in section 905—

12                             (I) in subsection (a)(1), in the  
13       heading, by striking “ASSISTANT SEC-  
14       RETARY” and inserting “UNDER SEC-  
15       RETARY”;

16                             (II) in subsection (c)(3)(B), in  
17       the heading, by striking “ASSISTANT  
18       SECRETARY” and inserting “UNDER  
19       SECRETARY”; and

20                             (III) in subsection (d)(2)(B), in  
21       the heading, by striking “ASSISTANT  
22       SECRETARY” and inserting “UNDER  
23       SECRETARY”; and

(iii) by striking “Assistant Secretary”

2                   each place the term appears and inserting  
3                   “Under Secretary”; and

4 (B) in title IX of division FF—

17 (B) in division F—

18 (j) in section 60102—

22 (II) in subsection (d)(1), by  
23 striking "ASSISTANT SECRETARY"  
24 and inserting "UNDER SECRETARY".

and

(III) in subsection (h)—

(aa) in paragraph (1)(B), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and

(bb) in paragraph (5)(B)(iii), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”;

(ii) in title III—

(I) in section 60302(5), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and

(II) in section 60305(d)(2)(B)(ii), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”;

(iii) in section 60401(a)(2), by striking “ASSISTANT SECRETARY” and inserting “UNDER SECRETARY”; and

(iv) by striking “Assistant Secretary” each place the term appears and inserting “Under Secretary”;

1                                     (C) in section 90008(b)(3), by striking  
2                                     “Assistant Secretary” and inserting “Under  
3                                     Secretary”; and

4                                     (D) in division J, in the matter under the  
5                                     heading “DISTANCE LEARNING, TELEMEDICINE,  
6                                     AND BROADBAND PROGRAM” under the heading  
7                                     “RURAL UTILITIES SERVICE” under the head-  
8                                     ing “RURAL DEVELOPMENT PRO-  
9                                     GRAMS”, by striking “Assistant Secretary”  
10                                  and inserting “Under Secretary”.

11 **SEC. 103. COORDINATION OF EXECUTIVE BRANCH VIEWS**  
12                                     **ON MATTERS BEFORE THE FEDERAL COMMU-**  
13                                     **NICATIONS COMMISSION.**

14                                  Section 105(a)(1) of the National Telecommuni-  
15 cations and Information Administration Organization Act  
16 (47 U.S.C. 904(a)(1)) is amended—

17                                  (1) by striking “to ensure that the conduct”  
18                                  and inserting the following: “to ensure that—

19                                  “(A) the conduct”; and

20                                  (2) by striking the period at the end and insert-  
21                                  ing the following: “; and

22                                  “(B) the views of the executive branch on  
23                                  matters presented to the Commission are ap-  
24                                  propriately coordinated and reflective of execu-

1               tive branch policy, consistent with section  
2               103(b)(2)(J).”.

3 **SEC. 104. MODERNIZATION OF AGENCY MISSION.**

4       (a) POLICY.—Section 102(c) of the National Tele-  
5       communications and Information Administration Organi-  
6       zation Act (47 U.S.C. 901(c)) is amended by adding at  
7       the end the following:

8               “(6) Fostering the digital economy as a critical  
9       component of the competitiveness, future economic  
10      growth, and security of the United States, and work-  
11      ing to ensure that global communications networks  
12      remain open and innovative, without inappropriate  
13      barriers to entry or operation.

14               “(7) Achieving universal availability of and ac-  
15       cess to telecommunications and information net-  
16       works and related technologies.”.

17       (b) ASSIGNED FUNCTIONS.—Section 103(b)(2) of the  
18       National Telecommunications and Information Adminis-  
19       tration Organization Act (47 U.S.C. 902(b)(2)) is amend-  
20       ed—

21               (1) in the matter preceding subparagraph (A),  
22       by inserting “, some of which were” before “trans-  
23       ferred to the Secretary”;

24               (2) in subparagraph (G)—

- 1                             (A) in clause (i), by inserting “standards,”  
2                             after “conferences,”; and  
3                             (B) in clause (ii), by inserting “, standards  
4                             bodies,” after “telecommunications con-  
5                             ferences”;  
6                             (3) in subparagraph (H)—  
7                                 (A) by inserting “and information” after  
8                             “telecommunications,”; and  
9                                 (B) by striking “and emergency readiness”  
10                             and inserting “emergency readiness, inter-  
11                             mediaries, universal service, and the flow of in-  
12                             formation”; and  
13                             (4) in subparagraph (M)—  
14                                 (A) by inserting “, publish reports,” after  
15                             “studies,”; and  
16                                 (B) by inserting before the period at the  
17                             end the following: “, and concerning policy  
18                             issues relating to communications, information,  
19                             and the digital economy, including (but not lim-  
20                             ited to) considerations of interoperability, pri-  
21                             vacy, security, spectrum use, emergency readi-  
22                             ness, intermediaries, universal service, and the  
23                             flow of information”.

## 1       **TITLE II—OTHER MATTERS**

### 2       **SEC. 201. PROMOTION OF WORKFORCE PROGRAMS.**

3           The NTIA, under the Broadband USA program,  
4 shall coordinate with the heads of other Federal agencies,  
5 including the Secretary of Labor and the Secretary of  
6 Education, to promote, and share information with States  
7 and the public regarding, workforce development pro-  
8 grams, such as apprenticeships, internships, externships,  
9 and other skills training programs, tailored to the tele-  
10 communications industry.

### 11      **SEC. 202. IMPROVED COORDINATION BETWEEN THE FCC 12                                  AND THE NTIA.**

13           (a) DEFINITION.—In this section, the term “Memo-  
14 randum” means the Memorandum of Understanding on  
15 Spectrum Coordination executed by the Commission and  
16 the Administration on January 31, 2003.

17           (b) UPDATES.—Not later than 120 days after the  
18 date of enactment of this Act, the Commission and the  
19 NTIA shall update the Memorandum to—

20               (1) outline general processes for addressing  
21 technical, procedural, and policy differences regard-  
22 ing frequency allocation and related conditions and  
23 standards;

24               (2) create a process for the resolution of non-  
25 routine policy disputes between the Commission and

1       the NTIA, including specific timelines for an expedi-  
2       tious resolution;

3                 (3) clarify that—

4                         (A) Congress designated the NTIA to  
5        serve as the sole agency responsible for man-  
6       aging spectrum assigned to Federal agencies,  
7       and that, as a result, the NTIA represents Fed-  
8       eral agencies in addressing technical, proce-  
9       dural, and policy differences regarding fre-  
10      quency allocation with the Commission, con-  
11      sistent with section 103(b) of the National  
12      Telecommunications and Information Adminis-  
13      tration Organization Act (47 U.S.C. 902(b));  
14      and

15                         (B) the representation by the NTIA de-  
16      scribed in subparagraph (A) should involve the  
17      expertise of the NTIA in technical, engineering,  
18      and policy matters;

19                 (4) ensure that scientific analyses and testing  
20      are considered in actions involving spectrum alloca-  
21      tion and standards;

22                 (5) ensure that short-, medium-, and long-term  
23      implications of spectrum policy and strategy are con-  
24      sidered;

1                 (6) outline general processes for how the Com-  
2                 mission and the NTIA will form staff standing  
3                 working groups with regular meetings to discuss  
4                 spectrum planning by the Commission and the  
5                 NTIA;

6                 (7) outline general processes for how the Com-  
7                 mission and the NTIA will jointly interact and con-  
8                 sult with the Department of State in matters re-  
9                 garding international spectrum coordination pro-  
10                 ceedings; and

11                 (8) endeavor to ensure—

12                         (A) the efficient use of frequencies as-  
13                 signed to Federal agencies, consistent with the  
14                 responsibilities of the NTIA under section  
15                 103(b)(2)(U) of the National Telecommuni-  
16                 cations and Information Administration Organi-  
17                 zation Act (47 U.S.C. 902(b)(2)(U)); and

18                         (B) that frequencies not required for the  
19                 present or identifiable future needs of the Fed-  
20                 eral Government are reallocated to non-Federal  
21                 Government users wherever possible.

22                 (c) PERIODIC UPDATES.—Not later than 3 years  
23                 after the date on which the Commission and the NTIA  
24                 update the Memorandum under subsection (b), and every  
25                 4 years thereafter, the Commission and the NTIA shall

1 update the Memorandum to reflect changing technological,  
2 procedural, and policy circumstances.

3 (d) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, and every year thereafter, the  
5 Commission and the NTIA shall submit to Congress a re-  
6 port on joint spectrum planning activities.

7 **SEC. 203. WORLD RADIOPHONIC CONFERENCE**

8 **AMBASSADOR.**

9 (a) IN GENERAL.—Section 103(b)(3) of the National  
10 Telecommunications and Information Administration Or-  
11 ganization Act (47 U.S.C. 902(b)(3)) is amended—

12 (1) in subparagraph (B), by striking “and” at  
13 the end;

14 (2) in subparagraph (C), by striking the period  
15 at the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(D) shall assign to the NTIA responsi-  
18 bility for providing advice and recommendations  
19 to the Secretary of State regarding candidates  
20 to serve as United States head of delegation  
21 and ambassador to the quadrennial World  
22 Radiocommunication Conference of the Inter-  
23 national Telecommunication Union, not later  
24 than 30 months before the first plenary meeting  
25 of a conference.”.

1       (b) RANK.—Section 302(a)(2) of the Foreign Service  
2 Act of 1980 (22 U.S.C. 3942(a)(2)) is amended by adding  
3 at the end the following:

4       “(D) Notwithstanding subparagraph (B)(i), the  
5 President may confer the personal rank of ambassador to  
6 the United States head of delegation to the quadrennial  
7 World Radiocommunication Conference for a temporary  
8 term not exceeding 2 years in duration.”.

9       **TITLE III—EFFECTIVE DATE**

10 **SEC. 301. EFFECTIVE DATE.**

11       This Act and the amendments made by this Act shall  
12 take effect on the first day of the first pay period applica-  
13 ble to the Under Secretary of Commerce for Communica-  
14 tions and Information (as so redesignated by section  
15 102(a)) beginning on or after the date of enactment of  
16 this Act.

